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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,914	11/14/2003	Tsutomu Okabe	245161US3 CIP	7655
22850	7590	10/09/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
MOORE, KARLA A				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
10/09/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/706,914

Applicant(s)

OKABE ET AL.

Examiner

KARLA MOORE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9 and 10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6, 9 and 10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 14 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,530,736 to Rosenquist et al.
3. Rosenquist et al. disclose a wafer processing system best illustrated by Figures 4, 6A and 6B, including a mini-environment portion (28) having a chamber therein and configured to transfer a wafer clean box (20) having a housing with an opening configured to be closed by a lid (22) to house the wafer in the housing and the chamber, wherein the housing has a tab extending outside from the opening of the clean box around an entire perimeter of the opening, said apparatus comprising: a first opening portion (106) formed on the wall (102) of the chamber, for communicating with an outside of the chamber, the wall opposing the opening of the clean box which allows loading and unloading of the wafer between the clean box and the chamber, wherein when the wafer transferring operating is performed, the clean box is fixed to overlap the tab of the clean box over an outside surface of the wall on which the first opening

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portion is formed with a first clearance (a clearance extending between vertically aligned surfaces of the clean box and the first opening portion) formed around the entire perimeter of said first opening portion, wherein the clean box is set so as to position an inside peripheral edge of the tab inside an area within a peripheral edge of said first opening portion to enable the capability of air flow along the surface of the tab from the inside of the chamber when the door and lid are opened (see blown up portions of Figures 6A and 6B), and wherein the first clearance is defined by a predetermined constant distance along an entire perimeter of the opening of the clean box between a surface of the tab and the outside surface wall on which the first opening portion is formed.

4. With respect to claim 2, the apparatus further comprises a door (104) capable of closing the first opening portion when the wafer is not transferred and opening the first opening portion when the wafer is transferred, wherein when the lid held by the door has been inserted into said first opening portion to close said first opening portion until the door has closed the first opening portion a second clearance (a clearance extending between vertically aligned surfaces of the door and the first opening portion—see blown up portion of Figures 6A and 6B) is formed between the door and a perimeter of said first opening, the second clearance communicating with the second clearance, wherein and an inside of the chamber is capable of communicating with an outside of the chamber through the first and second clearances.

5. With respect to claim 3, the second clearance is capable of communicating with the first clearance to form a gas flow path from the chamber to the outside of the chamber. See Figures 6A and 6B.
6. With respect to claim 4, each of the limitations is addressed above.
7. With respect to claim 5, the first clearance extends between the tab and the wall on which said first opening portion is formed in a direction of the wall on which the first opening portion is formed. See Figures 6A and 6B.
8. With respect to claim 6, the first clearance also extends in a direction perpendicular to the wall on which the first opening portion is formed (i.e. the clearance has both vertical and horizontal measurements).
9. With respect to claims 9 and 10, the second clearance extends within said first opening portion around an entire perimeter of said first opening portion along a direction in which said door opens. See Figures 4 and 6A and 6B.
10. Examiner also notes with respect to the recited intended uses in the claim language that the courts have ruled that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987)

Response to Arguments

11. Applicant's arguments filed 28 July 2008 have been fully considered but they are not persuasive.

12. As detailed above, Rosenquist et al. disclose embodiments wherein an inside peripheral edge of the tab is positioned inside an area of said first opening portion to enable the capability of air flow along the surface of the tab. Applicant has argued that the tab of Rosenquist et al. is not in fact positioned within a peripheral edge of said first opening. Examiner disagrees. Examiner takes the position that the first opening extends from a first surface of the wall of the chamber to the second surface of the wall of the chamber. As the tab is positioned in between these surfaces in the first opening, it positioned inside an area within a peripheral edge of said first opening. Examiner wonders if Applicant means to claim that the tab is positioned inside the chamber or inside a wall of the chamber...

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARLA MOORE whose telephone number is (571)272-1440. The examiner can normally be reached on Monday-Friday, 9:00 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571.272.1435. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karla Moore/
Primary Examiner, Art Unit 1792
30 September 2008